



**TESTIMONY OF
THE CONNECTICUT OCCUPATIONAL THERAPY ASSOCIATION
S.B. No. 1038 (RAISED) AN ACT CONCERNING INDIVIDUALIZED
EDUCATION PROGRAMS**

(Public Hearing of the Education Committee on Monday, February 28, 2011)

The Connecticut Occupational Therapy Association has reviewed the proposed legislative changes concerning Connecticut's Individualized Education Programs. As an organization of professionals, many of whom are integral members of I.E.P. teams in Connecticut, we absolutely support the intention to improve the dissemination and communication of information regarding individualized education programs to parents and guardians with regard to their child's special education program. We also support the intention to improve the quality of education for teachers in the implementation of individualized education programs. However, having closely followed all discussions on the State's proposed special education regulations; as well as the work of the Special IEP Task-Force; we would also like to add a few cautionary points to the adoption of S.B. No. 1038 (Raised) An Act Concerning Individualized Education Programs.

1. By way of background information - Occupational Therapy (OT) is a widely recognized, science-driven and evidence-based profession that benefits all students, with and without disabilities, to achieve greater success in academic performance and social participation in school. OT is a mandated service under Part B of IDEA, and through the IEP process, is to support children with disabilities participate in their educational program. With the more recent adoption of the State Department of Education's Framework of SRBI, the resource of OT is also being utilized as part of the continuum of support offered to general education students. However, there is a national and state shortage of occupational therapy practitioners to meet the demand of this much needed service.

2. Section 1, Subdivision (8) of subsection (a) of section 10-76d CGS the substituted language reads:

*14 (8) (B) The responsible local and regional board of education shall offer
15 such parent, guardian, pupil or surrogate parent an opportunity to
16 meet with the members of the planning and placement team prior to
17 the initial planning and placement team meeting for the sole purpose*

*18 of discussing the findings in the evaluations and reports received by
19 such parent, guardian, pupil or surrogate parent concerning the child
20 or pupil who requires or may require special education.*

Occupational Therapists in educational settings across the state would firmly agree that the time to review the school-based OT evaluation/ assessments, and reviewing findings in relation to the child's school function, is extremely valuable and in the best interests of the child, the family, and the team. Today's reality is that occupational therapists (as well as other specialists/testing personnel) are already under fairly stringent Federal and State regulations in relation to service delivery. We serve increasingly higher caseloads of students, and increased regulation has resulted in significantly greater competing demands. The 'offer to meet' prior to the IEP meeting, puts additional pressure on school personnel, particularly itinerant personnel. To meet and review evaluations/findings with parents, while truly meaningful, is operationally challenging, as typically the practitioner has to balance the service delivery needs of a very large number of students, across multiple locations. The more time that the therapist is required to attend meetings, results in time away from students and potentially impacts student outcomes. This new requirement of school personnel may not be a reasonable expectation for some disciplines, considering the shortage of therapists for school-based practice.

3. Section 1. Subdivision (8) of subsection (a) of section 10-76d CGS the substituted language reads:

*54 (G) The responsible local and regional board of education shall
55 document in such child's or pupil's record that such board provided
56 the assessments and evaluations used in the determination of
57 eligibility for special education for such child or pupil to the parent,
58 guardian, surrogate parent or pupil at least five school days before the
59 initial planning and placement team meeting for such child or pupil.
60 The parent, guardian, surrogate parent or pupil may waive the
61 requirement that such parent, guardian, surrogate parent or pupil
62 receive such assessments and evaluations at least five school days
63 before the initial planning and placement team meeting by delivering a
64 signed, written waiver to the responsible local or regional board of
65 education.*

While ConnOTA is in agreement that Connecticut State should switch to federal language, and the procedures already prescribed in IDEA 34C.F.R.300.320 to 300.324, the 'five school days' requirement to submit reports also places an additional burden on a limited resource. With the timelines for evaluations changing from 45 school days to 60 calendar days, the shrinking window of time may be challenging for the therapists to coordinate and complete the evaluations (which, depending on the context, can take one to three sessions with a student); complete report writing; meet with the parent for review; and submit to the IEP team five days before the meeting.

As providers of educationally-related therapy services in public school settings across Connecticut, Occupational Therapists and Certified Occupational Therapy Assistants, we are committed to the students and teams whom we serve. We seek collaborative relations with both State and Local School Boards to ensure success for our students in their education, as we prepare our students for their future. In ensuring a successful outcome through the IEP process, dissemination and communication of information regarding a students program and progress is critical, however, the backdrop of constraints is a challenge, and requires consideration.

Respectfully submitted,

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